IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.2131 OF 2004

Anil Devappa Kamble ..Petitioner
Vs.
The Union of India & Ors. ..Respondents

Mr.N.J.Patil for Petitioner
Mr.P.S.Jaittey i/b. S.S. Sarkar for Respondents

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 8TH FEBRUARY, 2005.

P.C.

. Pursuant to departmental enquiry, in which the petitioner participated, the petitioner has been dismissed from service. The petitioner filed Original Application before the Central Administrative Tribunal being O.A.No.520 of 2000 against the order of dismissal. Earlier stated appeal came to be preferred which was dismissed. That was dismissed. Now the present petition.

. Grievance of the petitioner is that during the pendency of the enquiry no suspension allowance was paid to him and on this ground also the enquiry stands vitiated. Learned Counsel seeks to place reliance on the judgment in the case of **State of Maharashtra Vs. Chandrabhan and others, A.I.R. 1983 Supreme Court, 803.** On perusal of the said judgment we do not find it to be an authority for the proposition canvassed. In so far as the effect

of not paying the subsistence allowance is concerned, before the Enquiry Officer no stand was taken that because of non-payment of subsistence allowance, he was not in a position to participate in the proceedings, or that he was prejudiced in effectively defending the proceedings. On the contrary he participated in the proceedings.

. Considering that we do not think that the order of the Central Administrative Tribunal suffers from any error of law apparent on the face of the record. We do not think it fit to interfere in the order of Central Administrative Tribunal. Hence, petition stands dismissed.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)